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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BARBARA E. VARNER,		
Plaintiff	:	
 v.		CIVIL ACTION
		NO: 1:CV 01-0725
 COMMONWEALTH OF PENNSYLVANIA,		
NINTH JUDICIAL DISTRICT,		
CUMBERLAND COUNTY,		
 and		JURY TRIAL DEMANDED
 CUMBERLAND COUNTY		
 and		
 S. GARETH GRAHAM, individually		Judge Yvette Kane ✓
 and		
 JOSEPH OSENKARSKI, individually,		
Defendants		

**FILED
HARRISBURG**

APR 12 2002

B ANDREA, CLERK
CLERK

**JOINT MOTION
FOR EXTENSION OF DEADLINES**
SET FORTH IN THE CASE MANAGEMENT ORDER DATED SEPTEMBER 27, 2001

The Plaintiff, Cumberland County, Joseph Osenkarski, and the Commonwealth of Pennsylvania, Ninth Judicial District, Cumberland County, by their respective counsel, hereby request an extension of time with respect to all of the deadlines set forth in this Court's Case Management Order Dated September 27, 2001 and state in support of their request:

1. Plaintiff commenced this action on April 26, 2001 by filing a complaint.
2. All defendants filed motions to dismiss the complaint by July 5, 2001, which motions are currently pending before the Court.
3. No defendants have as yet filed answers to the complaint.

4. On September 27, 2001, this Court issued a Case Management Order pursuant to Rule 16 of the Federal Rules of Civil Procedure.

3. The Case Management Order provides, *inter alia*, that discovery shall be completed by April 26, 2002 and that any dispositive motions, as well as supporting briefs, be filed on or before July 19, 2002.

5. The Case Management Order also provided that the case be listed for trial in October, 2002.

6. At the Scheduling Conference held September 26, 2001, counsel present (Mr. Thomas, Ms. Williams, Ms. Wallet) understood that all depositions, including the depositions of two state court judges, which depositions had already been scheduled, were deferred by the Court because dispositive motions remained outstanding. At that time, Plaintiff's counsel agreed that it would not be in her client's interest to expend resources on discovery if the case would be dismissed. Counsel also agreed to the filing of a motion for summary judgment by the Court Defendant testing certain issues of timely filing.

7. On October 29, 2001, the Court Defendant filed a motion for summary judgment, which motion is pending before the Court.

8. Although the Case Management Order does not reflect an actual stay of discovery, this was the clear understanding of counsel present at the Scheduling Conference.

9. Separate counsel for Defendant S. Gareth Graham, John Gerard Devlin, Esq., entered his appearance on January 8, 2002 and does not concur in this motion.

10. It is anticipated that separate counsel for Defendant Joseph Osenkarski will enter an appearance shortly. Meanwhile, Mr. Thomas and Mr. Dellasega continue to represent Defendant Osenkarski.

11. The undersigned counsel believe that a four-month extension of time from the filing of the last answer, after the Court's ruling on the pending case-dispositive motions, is necessary to allow for the completion of discovery, including approximately 20 depositions.

12. Similarly, all dates must be advanced, including the date for trial.

WHEREFORE, the undersigned parties jointly request that all deadlines set forth in the Case Management Order be advanced four months from the filing of the last answer by the Defendants.

Respectfully submitted,

Debra K. Wallet, Esquire
24 N. 32nd Street
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(717) 737-1300
Attorney for Plaintiff

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Attorney for Commonwealth of PA,
Ninth Judicial District

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TO

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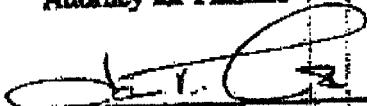
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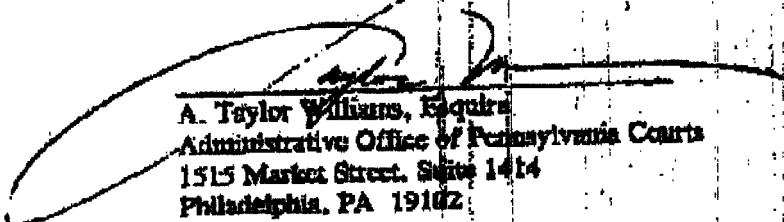
12. Similarly, all dates must be advanced, including the date of trial.

WHEREFORE, the undersigned parties jointly request that all deadlines set forth in the Case Management Order be advanced four months from the filing of the last answer by the Defendants.

Respectfully submitted,

Debra K. Waller
 Debra K. Waller, Esquire
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v.	:	CIVIL ACTION
	:	NO: 1:CV 01-0725
COMMONWEALTH OF PENNSYLVANIA,	:	
NINTH JUDICIAL DISTRICT,	:	
CUMBERLAND COUNTY,	:	
and	:	JURY TRIAL DEMANDED
CUMBERLAND COUNTY	:	
and	:	
S. GARETH GRAHAM, individually	:	Judge Yvette Kane
and	:	
JOSEPH OSENKARSKI, individually,	:	
Defendants	:	

CERTIFICATE OF CONCURRENCE/NON-CONCURRENCE

I, Debra K. Wallet, Esq., hereby certify that Paul J. Dellasega, Esq. and A. Taylor Williams, Esquire concur in the attached Motion. John Gerard Devlin, Esquire does not concur.

Debra K. Wallet
Debra K. Wallet, Esquire
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(717) 737-1300
Attorney for Plaintiff

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	CIVIL ACTION
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	JURY TRIAL DEMANDED
CUMBERLAND COUNTY	:
and	:
S. GARETH GRAHAM, individually	:
and	:
JOSEPH OSENKARSKI, individually,	:
Defendants	:

PROOF OF SERVICE

I, Debra K. Wallet, Esquire, hereby certify that on April 12, 2002, I mailed by regular first class mail, postage prepaid, a true and correct copy of the attached **JOINT MOTION FOR EXTENSION OF DISCOVERY PERIOD** addressed as follows:

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